IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 156 (S/B) of 2002

Smt. Chandrakala Kala,
W/o late Sri V.K. Kala,
R/o 38, Arvind Marg,
D.L. Road,
Dehradun. **…..Petitioner**

Versus

Garhwal Mandal Vikas Nigam,
Through its Managing Director,
75/1, Rajpur Road,
Dehradun. **…….Respondent**

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ashok Agarwal, learned counsel for the petitioner and Sri Shobhit Saharia, holding brief of Sri U.K. Uniyal, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Mandamus to direct the respondents to release the salary of the petitioner.

(b) Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstance of the case.

(c) Award costs of this writ petition to the petitioner.

The submission of the learned counsel for the petitioner is that petitioner has received a notice dated 20.01.2001 wherein she was directed to be retired on 30.06.2001. However, even after the aforesaid date petitioner continued to work with the

respondent establishment till April, 2002. She has not been paid salary for the period from July, 2001 to April, 2002.

In para 6 of the writ petition, petitioner has asserted that she continued to work after retirement, however, no specific date has been mentioned upto which date she worked in the Department.

Writ petition was filed on 21.03.2002 and in para 11 of the writ petition it is stated that petitioner is still working with the respondents, however, they are not releasing the salary for the month of June, 2001. Petitioner has filed attendance sheet for the month of July, 2001 and September 2001, which reveals that petitioner has worked with the department in these two months. She has also filed an application submitted by her to the Managing Director, Garhwal Mandal Vikas Nigam, Dehradun for making payment of salary, which is Annexure No. 3 to the writ petition.

In view of the above, it is expected from the respondent that he will take decision on the representation of the petitioner dated 13.12.2001 filed as Annexure no. 3 to the writ petition and shall make payment of the salary to the petitioner for the period she has worked, if salary for that period has not been paid to her. It is also expected that respondent shall take decision on the aforesaid representation within a period of six weeks from the date of production of certified copy of this order.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 24, 2006
SKSharma